



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/780,922	02/09/2001	Omar M. Buazza	5040-04207	9323

7590 11/15/2002

ERIC B. MEYERTONS
CONLEY, ROSE & TAYON, P.C.
P.O. BOX 398
AUSTIN, TX 78767-0398

EXAMINER

JARRETT, RYAN A

ART UNIT

PAPER NUMBER

2125

DATE MAILED: 11/15/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/780,922

Applicant(s)

BUAZZA ET AL.

Examiner

Ryan A. Jarrett

Art Unit

2125

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 2/09/01.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 278-292 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 278-292 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4,6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed 1/29/02 has been separated from the file and the Examiner has been unable to locate it. U.S. patents and foreign patents have been considered due to their availability in databases. However, Examiner requests that Applicant provide a copy of the international search reports cited in this information disclosure statement since these search reports were not readily available. Additionally, copies of the claims from related U.S. Patent applications were not available and should be resubmitted if Applicant wants them to be considered.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 286 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 286 recites the limitation "number" in claim 278. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 278-284 and 287-292 are rejected under 35 U.S.C. 102(b) as being anticipated by EP 0318164 A2 (provided by Applicant). EP 0318164 A2 discloses a computer software program for determining a front mold, a back mold and a gasket which together produce a mold cavity, the mold cavity being configured to hold a lens forming composition which is curable to produce an eyeglass lens having a predetermined prescription, the front mold member comprising a front mold identification marking, the back mold member comprising a back mold identification marking, the gasket member comprising a gasket identification marking, wherein the software program comprises a plurality of instructions configured to perform operations comprising: collecting prescription information which defines the eyeglass prescription; and analyzing the prescription information to determine the front mold identification marking, the back mold identification marking, and the gasket identification marking of the appropriate front mold, back mold and gasket for producing the eyeglass lens (pg. 4 lines 1-25 and lines 35-41);

wherein the prescription information comprises a sphere power, a cylinder power, and a lens location; wherein the prescription information comprises a sphere power, a cylinder power and a lens location, and wherein the prescription information is analyzed by correlating the sphere power, cylinder power and the lens location to an record in an information database; wherein the prescription information further comprises monomer type (inherent) and lens type; wherein the prescription information comprises a sphere power, a cylinder power, an add power and a lens location; wherein the prescription information comprises a sphere power, a cylinder power, an add power, and a lens

location and wherein the prescription information is analyzed by correlating the sphere power, the cylinder power, the add power, and the lens location to a record in an information database; wherein the prescription information further comprises monomer type (inherent) and lens type (pg. 12 lines 52-58, Fig. 17A);

wherein the operations further comprise determining curing conditions for a lens based on the eyeglass prescription; wherein the operations further comprise controlling a curing unit, the curing unit being configured to cure the lens forming composition; wherein the operations further comprise: determining curing conditions for a lens based on the eyeglass prescription; and controlling a curing unit, the curing unit being configured to cure the lens forming composition, wherein controlling the curing unit comprises operating the controlling unit such that the curing conditions are produced (pg. 12 lines 29-35);

wherein the operations further comprise controlling a coating unit, the coating unit being configured to cure the lens forming composition (pg. 9 lines 50-58, pg. 14 lines 32-44);

wherein the operations further comprise allowing the eyeglass prescription to be altered after the eyeglass prescription is collected (pg. 12 lines 52-58, pg. 13 lines 1-9).

wherein the operations further comprise storing the eyeglass prescription on a computer readable media (pg. 12 lines 52-58, pg. 13 lines 1-9).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2125

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 285-286 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP 0318164 A2. EP 0318164 A2 does not disclose that the front mold identification marking comprises an alphanumeric sequence, and that the back mold identification marking comprises an alphanumeric sequence, and that the gasket identification marking comprises an alphanumeric sequence; wherein the operations further comprise producing a visual display of the front mold identification number, the back mold identification number, and the gasket identification number subsequent to analyzing the prescription data.

However, EP 0318164 A2 does disclose that the front mold identification marking comprises a barcode, and that the back mold identification marking comprises a bar code, and that the gasket identification marking comprises a bar code (pg. 4 lines 35-41). EP 0318164 A2 also discloses a visual display means for indicating which gasket and mold are required for a given prescription (pg. 4 lines 9-25). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to mark the molds and gaskets of EP 0318164 A2 with an alphanumeric sequence and to visually display this number subsequent to analyzing the prescription data because EP 0318164 A2 discloses marking the molds and gaskets with a barcode, which is functionally equivalent to marking the molds and gaskets with an alphanumeric sequence, and EP 0318164 A2 also discloses visually displaying the selected molds

and gaskets, which is functionally equivalent to displaying the alphanumeric sequence of the molds and gaskets.

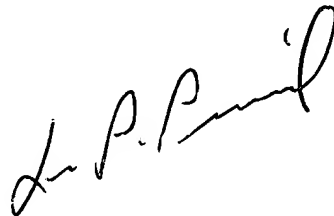
Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan A. Jarrett whose telephone number is (703) 308-4739. The examiner can normally be reached on 9:30-6:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on (703) 308-0538. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

raj
November 8, 2002



**LEO PICARD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100**